

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on May 25, 2006. At the time the Examiner mailed the Office Action claims 1-30 were pending. By way of the present response the Applicants have: 1) amended claims 1, 11, and 21; 2) added no new claims; 3) canceled claims 9, 19, 29. As such, claims 1-8, 10-18, 20-28, and 30 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Specification Objection

Examiner objected to the specification under 35 USC §112, first paragraph for not being written in "full, clear, concise, and exact terms." Specifically, Examiner pointed to several typographical errors and inexact terms. In response, Applicants have corrected the typographical errors and clarified the inexact terms by replacing paragraphs 0005, 0007, 0043, 0052, 0053, 0056, 0058, 0069, 0073, and 00100 in the specification. Likewise, Applicants thank Examiner for the polite reminder concerning the 150 word Abstract limitation and have amended the abstract, reducing the word count from 211 to 116. In making the aforementioned amendments to the specification and the abstract, Applicants have added no new matter. Thus, Applicants respectfully request that the objection to the specification be withdrawn.

Claim Rejections 35 USC §112

The Examiner has rejected claims 7, 8 and 11-30 under 35 USC §112, second paragraph. Examiner rejected Claims 7, 8, 17, 18, 27, and 28 because they contain references to an “.XML document” and the specification referred to both “.XML” and “.XML” documents. The aforementioned amendments to the specification have corrected this and other typographical errors objected to by the Examiner.

Similarly, Examiner objected to independent claims 11 and 21 (and all of their dependent claims) for referring to the “unavailability” of software components and Applicants have amended claims 11 and 21 to refer to the “unavailability” of the software components. Accordingly, in light of the specification and claim amendments, Applicants respectfully request that the 35 USC §112 objections be withdrawn.

Claim Rejections 35 USC §102

The Examiner rejected claims 1-3, 9, 11-13, 19, 21-23 and 29 under 35 U.S.C. 102(e) as being anticipated by Conti, et al., U.S. Patent 6,522,995 (hereinafter “Conti”).

Applicants respectfully submit that the present set of claims are allowable over Conti. In particular, with respect to amended claim 1, Conti does not disclose that “at least one of said software components requires a login procedure for its availability test and each of said request messages include a userid for said login procedure.” The cited portion of claim 1 was previously found in dependent claim 9

and added to claim 1 by amendment. Accordingly, Applicants address the Examiner's arguments for claim 9.

Conti Col. 4 lines 41-43, which the Office Action references as disclosing this element, states "The virtual user then 'registers' with the Running table 130, by submitting its virtual 'User ID' so the tool may track all running 'virtual' users." Thus, the "user ID" described in Conti is used for tracking purposes and not for a login procedure for testing software component availability as claimed by Applicants. The arguments set forth above with respect to claim 1 apply to independent claims 11 and 21 which contain similar limitations. Applicants respectfully submit that claims 1, 11, and 21 are allowable over the cited art.

Claims 2-3, 12-13, and 22-23 depend from claims 1, 11, or 21 and contain additional features. Accordingly, Applicants submit that claims 2-3, 12-13, and 22-23 are allowable over the cited art for the reasons stated above with respect to claim 1.

Claim Rejections 35 USC §103

The Examiner rejected claims 4-8, 10, 14-18, 20, 24-28 and 30 under 35 U.S.C. 103(a) as being unpatentable by Conti, in view of Appling, U.S. Patent 6,973,627 (hereinafter "Appling").

Claims 4-8, 10, 14-18, 20, 24-28, and 30 depend from claims 1, 11, or 21 and contain additional features. Accordingly, Applicants respectfully submit that claims 4-8, 10, 14-18, 20, 24-28, and 30 are allowable over the cited art for the reasons stated above with respect to claims 1, 11, and 21.



CONCLUSION


For the reasons provided above, applicant respectfully submits that the current set of claims is allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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